

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) Civil Action No. 7:16-cv-00334
SMITH & DEW, INC., *et al.*,) By: Elizabeth K. Dillon
Defendants.) United States District Judge

ORDER

For the reasons set forth in the accompanying memorandum opinion, plaintiff's motion for summary judgment (Dkt. No. 19) is hereby GRANTED. The court rules in plaintiff's favor insofar as it concludes that: (1) plaintiff has an existing easement on FSR 339, which includes the right of the Forest Service to grant public access to that road as it sees fit, including vehicular access; and (2) defendants' gate is unreasonably interfering with the plaintiff's easement.

Scant attention was given in the briefing to the appropriate relief to be granted if the court were to grant plaintiff's motion. Accordingly, in light of the court's ruling, the parties are directed to determine whether there are areas of agreement regarding the specific relief to be granted and, if not, whether they believe that supplemental briefing is required. It is further ORDERED that, not later than ten days after entry of this order, counsel shall contact chambers to set a status conference to address these issues. All other pending motions are DENIED AS MOOT.

The clerk is directed to provide a copy of this order and the memorandum opinion to all counsel of record.

Entered: June 4, 2018.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge